

**148-150 N. Brown St.**



MAR 9 2004



MAY 21 2004



MAY 21 2004



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MAR 9 2004



APR 15 2004



MAR 9 2004



MAR 9 2004









MAY 21 2004



MAY 21 2004



APR 15 2004

COUNCIL AGENDA ITEM # \_\_\_\_ FOR  
TUESDAY, MAY 25<sup>TH</sup>, 2004

BUILDING PERMITS AND INSPECTIONS

MEMORANDUM  
May 18, 2004

TO: The Honorable Mayor and City Council

THROUGH: R. Alan Shubert, P. E. - Building Permits and Inspections Director

FROM: Tom Maguire, Housing Compliance Supervisor

SUBJECT: 148-150 N. Brown Street (Rep. District #8)

The following is a brief chronology of the investigation of the referenced location:

- 1) First investigated November 2001. The building was found to be open and abandoned, vandalized and fire damaged. City Council ordered the owner to secure and clean the property on February 19<sup>th</sup>, 2002. On April 16<sup>th</sup>, 2002, the owner was found to be in violation of the council order of February 19<sup>th</sup> and assessed a civil penalty of \$2,800.00. On December 17<sup>th</sup>, 2002, the owner was again found in violation of the council orders and assessed an additional civil penalty of \$9,700.00. The structure is open and abandoned and being used as a harborage by gangs, drug users and vagrants.
- 2) A certified condemnation letter has been mailed to the owner Carlos Escobedo, 10540 Kendall Street, El Paso, Texas 79924.
- 3) Certified notices of the public hearing scheduled May 25<sup>th</sup>, 2004 were mailed to the owners and all interested parties on May 10<sup>th</sup>, 2004.
- 4) No taxes are owed.
- 5) We have had numerous conversations with the owner and have advised him of his need to comply with the City Ordinances. However, the owner continues to violate the City Council orders.

The Department recommends that it be found:

- 1) That the main structure and accessory building be condemned as substandard, and unfit for habitation or use and a hazard to the public health, safety, and welfare; and
- 2) That the buildings are not in substantial compliance with the municipal ordinances regulating fire protection, structural integrity, and disposal of refuse; and
- 3) That the structure's certificate of occupancy be revoked; and
- 4) That the structure can not be repaired; and
- 5) That the main and accessory structure be demolished within 30 days; and
- 6) That the premises be cleaned of all weeds, trash, and debris within 30 days.

CENTRAL REGIONAL COMMAND CENTER  
200 South Campbell Street  
El Paso, Texas 79901

**EL PASO POLICE  
DEPARTMENT**

# Fax

To: Tom Maguire

From: Officer Greg Furr

Fax: 541-4664

Pages: 4

Phone:

Date:

Re: 148 Brown St.

CC:

☐ Urgent    ☐ For Review    ☐ Please Comment    ☐ Please Reply    ☐ Please Recycle

Number of pages including this one: 4

Please call (915) 577-5611 if you do not receive all pages.

• **Comment:** THE INFORMATION CONTAINED IN OR ATTACHED TO THIS FACSIMILE IS PRIVILEGED AND CONFIDENTIAL INFORMATION INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY FAXED ABOVE IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, OR THE EMPLOYEE OR AGENT RESPONSIBLE FOR DELIVERING IT TO THE INTENDED RECIPIENT. YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION, OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU RECEIVE THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US VIA MAIL AT THE ABOVE STATED ADDRESS. THANK YOU.



EL PASO POLICE DEPARTMENT  
EL PASO, TEXAS

INTER - OFFICE MEMORANDUM

TO: Tom Maguire, Building Services-Enforcement Division  
FROM: Officer Gregory Furr #1622, Central PAR  
RE: 148 Brown St.  
DATE: 01/30/2002

Mr. Maguire:

In reference to 148 Brown St., the following "Offense Codes" were found to be associated with the case numbers on the following pages:

<u>Offense Codes</u>	<u>Actual Charge</u>
85	Information Report
481.125	Possession of Drug Paraphernalia
38.05	Evading Arrest or Detention
30.05	Criminal Trespass
TWRNT-L	Traffic Warrants-Local
PCO	Protective Custody Order
30.02B-P	Burglary of Building w/an arrest*
30.02S	Burglary of Storage Shed
22.01	Assault
49.02	Public Intoxication
28.03F	Criminal Mischief Felony
481.115-P	Possession of Substance in Penalty Group I (Cocaine) w/ an arrest*
21.11-J	Indecency w/a Child-Juvenile
MP	Missing Person
38.04	Resisting Arrest
31.03V	Theft of Vehicle

\* Any "Offense Code" at has a "-P" at the end delineates that an arrest was made

Attached you will find a listing of case numbers associated with this address. If you have any questions or require additional assistance, please call me at 577-5011.

R/S

## ADDRESS INQUIRY

Page 1 of 11

Response for Location: 148 BROWN ST., EP

Location: 148 BROWN ST., EP

## C A S E S

Case Num	Occurred At	Cls Of	Rep Of	Offense #1	Natcod	Sta
1> 01-318239	11/14/01 14:21		001703	85	SG	261127 SC
2> 00-288134	10/14/00 08:42		001870	481.125	HS	261117
3> 00-279352	10/05/00 20:38		002836	38.04-P	PC	260700 AR
4> 00-264183	09/20/00 13:15		001908	30.05-P	PC	260110 AC
5> 00-236204	08/23/00 15:30		001908	30.05-P	PC	260110 AR
6> 00-225196	08/12/00 11:30		001915	30.05-P	PC	260110 AC
7> 00-224161	08/11/00 12:00		001977	TWRNT-L	MC	422101
8> 00-179261	06/27/00 17:58		001822	PCO	HC	261120 SC
9> 00-142212	05/21/00 18:12		001798	PCO	HC	261120 SC
10> 00-142222	05/21/00 18:12		001798	PCO	HC	261120 SC
11> 00-134221	05/15/00 15:28		002033	30.05-P	PC	260110 AC
12> 00-117110	04/26/00 10:35		001932	30.02B-P	PC	050222 AC
13> 00-106177	04/15/00 16:05	001721	001600	30.05-P	PC	260110 EC
14> 00-105292	04/14/00 19:20		001994	22.01	PC	040301 SC
15> 00-104238	04/13/00 15:50		002046	49.02	PC	230000
16> 00-096043	04/05/00 :		001490			CANCEL

Enter the Index to select or EX=Exit, C=Continue: \_\_\_\_

Info - Page sent to your local printer

## A D D R E S S      I N Q U I R Y

Page 2 of 11

Response for Location: 148 BROWN ST., EP

17>	00-087332	03/27/00 19:30	001910	49.02	PC	230000	
18>	00-082135	03/18/00 12:00	001003	001926	30.02S	PC	050110 IN
19>	00-108225	01/02/00 00:01	001721	000342	28.03F	PC	060290 DL
20>	99-348127	12/14/99 12:45	001904	86	SG	480300	SC
21>	99-348133	12/14/99 12:45	001904	49.02	PC	230000	
22>	99-099267	04/09/99 17:47	001976	03	SG	390200	
23>	99-033195	02/02/99 15:35	001915	481.115-F	HS	180102	PR
24>	97-125269	04/27/97 17:00	001721	21.11-J	PC	170406	
25>	96-345351	11/26/96 08:00	000973	001805	MP	FC	470101 EC
26>	95-098354	04/08/95 22:49	000909	38.04	PC	260700	
27>	94-246161	09/03/94 08:41	000407	001319	31.03V	PC	070111 UN

## P H Y S I C A L   D E S C R I P T I O N

Birth    R S   Hr Eye Hgt Wgt Drivers License      St    S.S.N.

08/17/1964 H F BRO BRO 5-01 130

148 BROWN ST., EP

State: TX    Zip:                      Phone: (    )    -                      Birthplace:

28>                      Name: REBELADO MARIA 01

05/03/1949 H M BLK BRO 5-00 140                      458111158

148 BROWN ST., EP

Enter the Index to select or EX=Exit, C=Continue: \_\_\_\_



# CONDEMNATION REPORT

## BUILDING SERVICES DEPARTMENT

**DATE OF EXAMINATION:** 4/15/04

**REP. DISTRICT:** 8

**ADDRESS:** 148-150 N. Brown St. AKA 150 N. Brown St.

**ZONED:** C-4

**LEGAL DESCRIPTION:** Block 32, Franklin Heights, S 75 ft. of 1 to 3 & S 75 ft. of W 15 ft. of 4

**OWNER:** Carlos Escobedo

**ADDRESS:** 10540 Kendall St.

**BUILDING USE:** Abandoned duplex

**TYPE OF CONSTRUCTION:** III

**FOOTINGS:** Reinforced concrete

**FEASIBLE TO REPAIR:** No

**CONDITION:** Fair. There is no evidence of structural failure. A licensed professional engineer should be hired to examine all structural elements of the building.

**FOUNDATION WALL:** Native stone rubble masonry

**FEASIBLE TO REPAIR:** No

**CONDITION:** Poor. The mortar is soft and crumbling.

**FLOOR STRUCTURE:** Wood framing with wood flooring

**FEASIBLE TO REPAIR:** No.

**CONDITION:** Very poor. The floor is partially burned and feels very soft, possibly due to water damage from roof leaks and broken out windows.

**EXTERIOR WALLS: HEIGHT:** 10-18' **THICKNESS:** 12"

**FEASIBLE TO REPAIR:** No

**CONDITION:** Poor. Fire and water damage and neglect have led to possible compromise of the strength of the outside walls. An engineer's report must be obtained for all structural elements.

**INTERIOR WALLS & CEILINGS:** Wood framing with plaster and sheetrock

**FEASIBLE TO REPAIR:** No

**CONDITION:** All of the walls and ceilings are damaged some from leaks and vandalism, others from fire. The walls must be replaced or repaired to meet code.

**ROOF STRUCTURE:** Wood frame and brick - asphalt roofing

**FEASIBLE TO REPAIR:** No

**CONDITION:** Time and neglect are evident in the condition of the roof. A thorough inspection of the roof structure must be made to determine what must be done to comply with code.

**DOORS, WINDOWS, ETC.:** Wood doors and windows

**FEASIBLE TO REPAIR:** No

**CONDITION:** The doors and windows are damaged or missing and must be replaced with code compliant units.

**MEANS OF EGRESS:** Concrete stairs in front, wood balcony and metal stairs in the back

**FEASIBLE TO REPAIR:** No

**CONDITION:** The rear balcony is badly deteriorated and must be completely replaced. Railings must be installed in the front.

**PLUMBING:** Fixtures broken and missing.

**ELECTRICAL:** Inadequate and damaged by vandals and fire must be replaced by a licensed electrician.

**MECHANICAL:** HVAC system not adequate. New system must be designed by a licensed HVAC contractor.

**IF CONDEMNED, HOW MANY PERSONS WILL BE AFFECTED:** 0

**WARNING POSTED:** Yes **BARRICADED:** No **POLICE AID REQD.:** No

**REMARKS:** This building has been open and abandoned for years. It has been the setting for drug use, gang activity, sexual assault and arson. I recommend that the structure be demolished and the lot cleaned of all weeds, trash and debris.

Tom Maguire  
Inspector

ORDER

WHEREAS, after providing due notice to the Owners of the hereinafter described property, the City Council of the City of El Paso conducted a Public Hearing on February 19<sup>th</sup>, 2002, regarding the property located at 148-150 N. Brown Street, more particularly described as:

Lots: S 75 Ft. of 1 to 3 & 75 Ft. of W 15 Ft. of 4, Block 32, Franklin Heights

and found that the Building located on said property is substandard; unfit for habitation or use, and a hazard to public health, safety and welfare; and that the Building is not in substantial compliance with the Municipal Ordinances, and that the Building can be repaired; and

WHEREAS, having found that the Building is not in substantial compliance with the Municipal Ordinances, the City Council ORDERED the Owners of said property to secure the Building and secure the premises with a 6' chain link fence and remove all weeds, trash and debris, within 30 days of adoption of the Resolution dated February 10<sup>th</sup>, 2002, that is on or before March 16<sup>th</sup>, 2002.

WHEREAS, the City Council ORDERED the Owners of said property to appear before City Council on December 17<sup>th</sup>, 2002, for a Public Hearing to determine whether the Council Order has been complied with and to determine penalties if the Council Order has not been complied with:

WHEREAS, no one appeared.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That the City Council, having heard the evidence, makes the following findings:
  - a. That the Owner of said property, Carlos Escobedo, was notified of the requirements of Section 18.52.040 and of his need to comply with these requirements as they relate to his property; and
  - b. That after notification, the Owner committed an act in violation of Section 18.52.040 or failed to take an action necessary for compliance with 18.52.040, specifically; the Owner failed to secure the Building, fence the property, and clean the premises of all weeds, trash and debris within 30 days after February 19<sup>th</sup>, 2002 that is, on or before March 19<sup>th</sup>, 2002; and
  - c. That the Owner has failed to comply with the Order each day from June 6<sup>th</sup>, 2002 through December 17<sup>th</sup>, 2002, a total of 194 days; and

I, RICHARDA DUFFY MOMSEN, City Clerk of the City of El Paso, hereby certify that a true and correct copy of the foregoing Notice dated December 17<sup>th</sup>, 2002, regarding the property located at 148-150 N. Brown Street, El Paso, Texas, was PUBLISHED in the official City newspaper on the 2nd day of December, 2002.

  
Richarda Duffy Momsen

I certify that a true and correct copy of the foregoing Notice dated December 17<sup>th</sup>, 2002 regarding the property at 148-150 N. Brown Street, El Paso, Texas, was [MAILED CERTIFIED-RETURN RECEIPT REQUESTED] to:

Carlos Escobedo  
10540 Kendall St.  
El Paso, Texas 79924

Date: \_\_\_\_\_  
Time: \_\_\_\_\_

\_\_\_\_\_  
Inspector

I certify that a true and correct copy of the foregoing Notice dated December 17<sup>th</sup>, 2002 regarding the property at 148-150 N. Brown Street, El Paso, Texas, [MAILED CERTIFIED-RETURN RECEIPT REQUESTED] to:

Carlos Escobedo  
148-150 N. Brown St.  
El Paso, Texas 79901

Date: \_\_\_\_\_  
Time: \_\_\_\_\_

\_\_\_\_\_  
Inspector



I certify that a true and correct copy of the foregoing Notice dated December 17<sup>th</sup>, 2002 regarding the property at 148-150 N. Brown Street, El Paso, Texas, was [MAILED CERTIFIED-RETURN RECEIPT REQUESTED] to:

Mark Salloum, Trustee  
300 E. Main Dr., Suite 908  
El Paso, Texas 79901

Date: \_\_\_\_\_  
Time: \_\_\_\_\_

\_\_\_\_\_  
Inspector

I certify that a true and correct copy of the foregoing Notice dated December 17<sup>th</sup>, 2002 regarding the property at 148-150 N. Brown Street, El Paso, Texas, was [MAILED CERTIFIED-RETURN RECEIPT REQUESTED] to:

Sergio A. Mendoza  
18504 Crystal Ridge  
El Paso, Texas 79938

Date: \_\_\_\_\_  
Time: \_\_\_\_\_

\_\_\_\_\_  
Inspector

I certify that a true and correct copy of the foregoing Notice dated December 17<sup>th</sup>, 2002 regarding the property at 148-150 N. Brown Street, El Paso, Texas, was [HAND-DELIVERED] to:

City of El Paso  
C/O City Clerk  
#2 Civic Center Plaza  
El Paso, Texas 79901

Date: \_\_\_\_\_  
Time: \_\_\_\_\_

\_\_\_\_\_  
Inspector

I certify that a true and correct copy of the foregoing Notice dated December 17<sup>th</sup>, 2002 regarding the property at 148-150 N. Brown Street, El Paso, Texas, was [MAILED CERTIFIED-RETURN RECEIPT REQUESTED] to:

Governor of the Ysleta Del Sur Pueblo Indian Tribe  
AKA Tigua Indian Community  
119 S. Old Pueblo Road  
El Paso, Texas 79907

Date: \_\_\_\_\_  
Time: \_\_\_\_\_

\_\_\_\_\_  
Inspector

I certify that a true and correct copy of the foregoing Notice dated December 17<sup>th</sup>, 2002 regarding the property at 148-150 N. Brown Street, El Paso, Texas, was (MAILED CERTIFIED-RETURN RECEIPT REQUESTED) to:

El Paso Central Appraisal District  
5801 Trowbridge Ave.  
El Paso, Texas 79925

Date: \_\_\_\_\_  
Time: \_\_\_\_\_

\_\_\_\_\_  
Inspector

I certify that a true and correct copy of the foregoing Notice was POSTED at 148-150 N. Brown Street, El Paso, Texas.

Date: \_\_\_\_\_  
Time: \_\_\_\_\_

\_\_\_\_\_  
Inspector

**RAYMOND C. CABALLERO**  
MAYOR



**BUILDING SERVICES DEPARTMENT**  
**CODE COMPLIANCE**  
December 19, 2001

Carlos Escobedo  
10540 Kendall St.  
El Paso, Texas 79924

Re: 150 N. Brown St.  
Lots: S 75 ft. of 1 to 3 & S 75  
ft. of W 15 ft. of 4  
Blk: 32, Franklin Heights  
Zoned: C-4  
00-04-0303  
Certified Mail Receipt #  
7001 0320 0002 4560 8091

**CITY COUNCIL**

**JAN SUMRALL**  
DISTRICT NO. 1

**ROSE RODRIGUEZ**  
DISTRICT NO. 2

**LARRY M. MEDINA**  
DISTRICT NO. 3

**JOHN COOK**  
DISTRICT NO. 4

**DANIEL S. POWER**  
DISTRICT NO. 5

**PAUL J. ESCOBAR**  
DISTRICT NO. 6

**LUIS G. SARIÑANA**  
DISTRICT NO. 7

**ANTHONY COBOS**  
DISTRICT NO. 8

To All Owners, Lienholders, and Mortgagees:

An inspection at the above referenced address has revealed that the structure is in violation of the El Paso Municipal Code, Chapter 18.52.030 - Unsafe Structures - Owner Not To Allow Condition To Continue, which states:

It is unlawful for the owner of any building or structure, or part thereof, which has become unsafe and dangerous so as to endanger persons or property, or so as to be a fire hazard by reason of defective construction, overloaded floors, lack of guards against fire, defective condition of the foundations, walls, or parts thereof, or deterioration caused by fire or otherwise, or for any reason, to allow or permit same to remain upon any real estate within the City.

The El Paso Municipal Code Chapter 18.52.040 - unsafe structures - Remedial action by owner or City defines unsafe structure as a structure or part thereof that is:

- a. Dilapidated, substandard, or unfit for human habitation and a hazard to the public health, safety, and welfare; or
- b. Regardless of its structural condition, unoccupied by its owners, lessees or other invitees and is unsecured from unauthorized entry to the extent that it could be entered or used by vagrants or other uninvited persons as a place of harborage or could be entered or used by children; or
- c. Boarded up, fenced, or otherwise secured in any manner in if:

150 N. Brown Street

- i. The building constitutes a danger to the public even though secured entry, or
- ii. The means used to secure the building are inadequate to prevent unauthorized entry or use of the building in the manner described by subsection.

The structure located at 150 N. Brown Street has the following violations:

- a. The foundation has not been maintained in a safe manner.
- b. The floors have not been maintained in a safe manner.
- c. The walls have not been maintained in a safe manner free of holes and cracks.
- d. The roof structure has not been maintained free of defects that may cause leaks.
- e. The means of egress is/are inadequate and do not meet minimum code requirements.
- f. The plumbing system is inadequate and does not meet minimum code requirements.
- g. The electrical system is inadequate and does not meet minimum code requirements.
- h. The HVAC system is inadequate and does not meet minimum code requirements.
- i. The structure is open and accessible to unauthorized entry.
- j. The premises are full of weeds, trash, and debris.
- k. This structure is over fifty (50) percent deteriorated and must be reconstructed to meet the Standard Building Code, vacated and secured, or demolished and the premises cleaned of all debris.  
**BUILDING PERMITS MUST BE OBTAINED AND REPAIRS COMPLETED OR THE STRUCTURE MUST BE DEMOLISHED WITHIN THIRTY (30) DAYS OF RECEIPT OF THIS LETTER.**

150 N. Brown Street

- I. The structure needs to be secured from unwanted entry and ongoing vandalism, and the premises need to be cleaned of all trash and debris within thirty (30) days from receipt of this letter.
- m. This case is being submitted to the City Attorney's office for condemnation proceedings. The City Council will decide if the building should be condemned, vacated and secured, or demolished as per Sec. 18.52.040 of the El Paso Municipal Code.

According to the real property records of El Paso County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to the Housing Compliance Office of the Building Services Department, 5<sup>th</sup> floor, City Hall, no later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

Should you have any questions regarding this matter, please contact me at 541-4800.

FOR THE DEPUTY DIRECTOR FOR BUILDING SERVICES:

Bill Stern  
Building Inspector

BS/rl

## RESOLUTION

WHEREAS, the Building Official and the Fire Marshal of the City of El Paso have conducted an investigation and have reported to the City Council in writing that they are of the opinion that the structure located on the property at 148-150 N. Brown Street, in El Paso, Texas, which property is more particularly described as follows:

Lots: S 75 ft. of 1 to 3 & 75 ft. of W. 15 ft. of 4, Block 32, Franklin Heights

is dilapidated, substandard, and unfit for human habitation; is a hazard to public health, safety, and welfare; does not meet the minimum standards for continued use and occupancy contained in Titles 17 and 18 of the Municipal Code which are adopted and incorporated by reference into Section 18.52; and

WHEREAS, Carlos Escobedo, 10540 Kendall St., El Paso, Texas 79924, record Owner, and all mortgages and lienholders were duly notified according to law to appear at a public hearing before City Council at 9:00 a.m. on February 19<sup>th</sup>, 2002; and

WHEREAS, Carlos Escobedo appeared and assured City Council that the property would be secured and clean within 30 days.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That City Council having heard the evidence, makes the following findings:
  - a. That the structure located on said property is condemned as substandard, unfit for human habitation or use, and therefore a hazard to the public health, safety, and welfare; and
  - b. That the structure is not in substantial compliance with municipal ordinances regulating fire protection, structural integrity, and disposal of refuse; and
  - c. The structure's certificate of occupancy is hereby revoked; and
  - d. That the structure can be repaired.
2. That the City Council hereby orders Owner to comply with the following requirements:
  - a. That the Building be secured within (30) days; and
  - b. That the premises be secured with a 6' chain link fence.
  - c. That the premises be cleaned of all weeds, trash and debris within (30) days; and
  - d. That a public hearing be scheduled for April 16<sup>th</sup>, 2002 in the City Council Chambers, to determine, if the Council order has been complied with and, if not, to determine penalties; and
  - e. That the Owner of said Building is hereby ordered to comply with all requirements of the Resolution; and
  - f. The owner is advised that in order to obtain a new certificate of occupancy, the entire building and its service systems must be brought into compliance with the current codes.

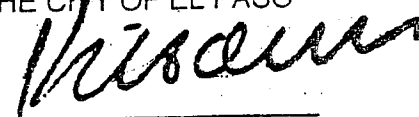
- g. That upon failure of the Owner to comply with this Resolution, any mortgagees, lienholder, and other persons having an interest in the property have an additional ten (10) days to secure the Building and maintain the Building secure and clean the premises of all weeds, trash, and debris; and
3. That upon failure of the Owner to comply with this Order, the City of El Paso through its Deputy Director of Building Services shall secure the Building and maintain the Building secure and clean the premises of all weeds, trash, and debris at its own expense, but for and on account of the Owner of said property; and
4. That said Owner shall become personally liable for all costs incurred by City in connection with securing and maintaining the Building secure and cleaning the premises of all weeds, trash and debris; and
5. That the costs incurred by the City in connection with the cleaning the premises of all weeds, trash, and debris shall become due and payable within thirty (30) days of the date of completion of the work and such cost shall be assessed as a lien against the property unless paid; and
6. That upon failure of the Owner to comply with this Order, one or all of the following actions will be taken:
  - a. The City will perform any and all work needed to bring the property into compliance with this order, at its own expense but for and on account of the Owner of said property, the cost of which shall be assessed as a lien against the property; and
  - b. That upon failure of the Owner to comply with this order the City Council may assess a civil penalty against the property Owner in an amount not to exceed \$1,000.00 a day for each violation or, if the Owner shows that the property is the Owner's lawful homestead, in an amount not to exceed ten (10) dollars a day for each violation; and
  - c. That upon failure of the Owner to comply with this order, the Owner may be confined in jail as permitted by state law; and
7. That upon failure of the Owner, any mortgages or lienholders to restore the Building so that it complies with all relevant City Code requirements, the City of El Paso, if applicable, may bring an action in District Court to request appointment of a receiver for the rehabilitation of said property pursuant to Section 214.003 of the Texas Local Government Code; and
8. The Owner, any mortgagees, or lienholders have a right to appeal these findings to a court of competent jurisdiction within ten (10) days after notice of this Resolution. The findings shall become final after ten (10) days of receipt of Notice; and
9. That any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of assessment until paid in full; and
10. That the City Clerk is ordered to cause copies of this Resolution to be served on the record Owner and all other persons having interest in the property as provided by law.



According to the real property records of El Paso County, you own the property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. the affidavit must be delivered in person or by certified mail, return receipt requested, to this office no later than the 20<sup>th</sup> day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.


Adopted this 19<sup>th</sup> day February, 2002.

THE CITY OF EL PASO

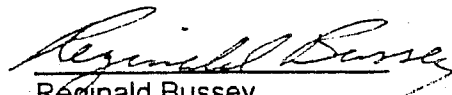


Mayor

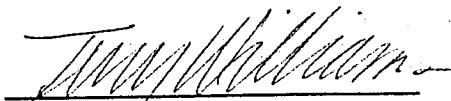
ATTEST:

  
City Clerk

APPROVED AS TO FORM:

  
Reginald Bussey  
Assistant City Attorney

APPROVED AS TO CONTENT:

  
Terry Williams  
Department of Building Services

## ORDER

WHEREAS, after providing due notice to the Owners of the hereinafter described property, the City Council of the City of El Paso conducted a Public Hearing on February 19<sup>th</sup> and April 16<sup>th</sup>, 2002, regarding the property located at 148-150 N. Brown Street, more particularly described as:

Lots: S 75 ft. of 1 to 3 and 75 ft. of W 15 ft. of 4, Block 32, Franklin Heights

and found that the Building located on said property is substandard; unfit for habitation or use, and a hazard to public health, safety and welfare; and that the Building is not in substantial compliance with the Municipal Ordinances, and that the Building can be repaired; and

WHEREAS, having found that the Building is not in substantial compliance with the Municipal Ordinances, the City Council ORDERED the Owners of said property to secure the Building and remove all weeds, trash and debris, within 30 days of adoption of the Resolution dated February 19<sup>th</sup>, 2002, that is on or before March 19<sup>th</sup>, 2002.

WHEREAS, the City Council ORDERED the Owner of said property to appear before City Council on April 16<sup>th</sup>, 2002, for a Public Hearing to determine whether the Council Order has been complied with and to determine penalties if the Council Order has not been complied with:

WHEREAS, no one appeared.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That the City Council, having heard the evidence, makes the following findings:
  - a. That the Owner of said property, Carlos Escobedo, 10540 Kendall Street, El Paso, Texas 79924, was notified of the requirements of Section 18.52.040 and of his need to comply with these requirements as they relate to their property; and
  - b. That after notification, the Owner committed an act in violation of Section 18.52.040 or failed to take an action necessary for compliance with 18.52.040, specifically; the Owner failed to secure the Building, and clean the premises of all weeds, trash and debris within 30 days after February 19<sup>th</sup>, 2002 that is, on or before March 19<sup>th</sup>, 2002; and
  - c. That the Owner has failed to comply with the Order each day from March 20<sup>th</sup>, 2002 through April 16<sup>th</sup>, 2002, a total of 28 days; and

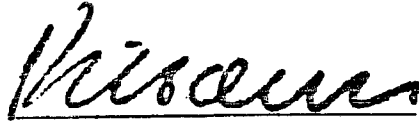
- d. That the property which is subject to the Order is not the Owner's homestead; and
- e. That the City Council can assess a civil penalty against the Owner in an amount not to exceed \$1,000.00 a day for each violation, a total of \$28,000.

NOW, THEREFORE, BE IT ORDERED BY THE CITY COUNCIL OF THE CITY OF EL PASO:


- 1. That the Owner is hereby assessed the following civil penalties: \$100 a day for each of the 28 days during which the City Council Order of February 19<sup>th</sup>, 2002 was not complied with; for a total of \$2,800.
- 2. That the City Clerk file a certified copy of this Order with the District Clerk of the County of El Paso; and
- 3. That the Owner is hereby placed on notice that continuing failure to comply with the City Council's Order to secure the Building and clean the premises of all weeds, trash, and debris may result in additional penalties.

ORDERED THIS 16<sup>th</sup> DAY OF April, 2002.


THE CITY OF EL PASO

  
Raymond C. Caballero, Mayor

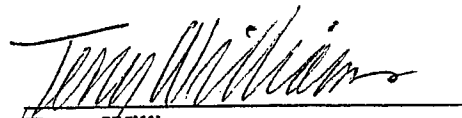
ATTEST:

  
City Clerk

APPROVED AS TO FORM:

  
Teresa Garcia,  
Assistant City Attorney

APPROVED AS TO CONTENT:

  
Terry Williams,  
Building Services Department

## SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

BS  
 Carlos Escobedo  
 10540 Kendall St.  
 El Paso, Texas 79924  
 Re: 148-150 N. Brown Street

2. Article Number (Copy from service label)

PS Form 3811, July 1999

Domestic Return Receipt

102595-00-M-09

7001 0320 0002 4560 6752

## COMPLETE THIS SECTION ON DELIVERY

- A. Received by (Please Print Clearly) B. Date of Delivery  
 Rosa Maderia FEB 06 2001
- C. Signature  
 X Rosa Maderia ☐ Agent ☐ Addressee
- D. Is delivery address different from item 1? ☐ Yes  
 If YES, enter delivery address below: ☐ No

3. Service Type

- ☒ Certified Mail ☐ Express Mail  
☐ Registered ☐ Return Receipt for Merchandise  
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

## SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

BS  
 Carlos Escobedo  
 10540 Kendall St.  
 El Paso, Texas 79924  
 Re: 148-150 N. Brown St.

2. Article Number

(Transfer from service label)

PS Form 3811, August 2001

Domestic Return Receipt

102595-01-M-25

7001 2510 0001 4218 8295

## COMPLETE THIS SECTION ON DELIVERY

- A. Signature  
 X Rosa Maderia ☐ Agent ☐ Addressee
- B. Received by (Printed Name) C. Date of Delivery  
 Rosa Maderia
- D. Is delivery address different from item 1? ☐ Yes  
 If YES, enter delivery address below: ☐ No


3. Service Type

- ☒ Certified Mail ☐ Express Mail  
☐ Registered ☐ Return Receipt for Merchandise  
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

**EL PASO CITY-COUNTY HEALTH & ENVIRONMENTAL DISTRICT****ENVIRONMENTAL HEALTH****MEMORANDUM**

**DATE:** March 22, 2004  
**MEMO TO:** Tom Maguire, Housing Compliance Supervisor  
**FROM:** Jorge Ramirez, Sr. Environmental Health Inspector   
**SUBJECT:** Condemnation Report  
**RE:** 150 N. Brown St. 79902

An inspection of the property was conducted on March 22, 2004 and the conditions checked were found in violation of Title 9 - Health and Safety, El Paso Municipal Code.

**SECTION 9.04 - SOLID WASTE STORAGE AREA:**  
N/A

**SECTION 9.04.340 - ACCUMULATIONS:**  
Of trash, broken glass and tall dry grass were seen throughout the area.

**SECTION 9.16 - NUISANCE:**  
N/A

**SECTION 9.16.010 - DESIGNATED:**  
N/A

**SECTION 9.28 - RAT CONTROL:**  
The building consists of two-story structure, which is decaying. This condition serves as a potential vermin harborage.

If you require additional assistance on this matter, please call me at (915) 860-2378 or Fax (915) 860-1081.

**JOE WARDY**  
MAYOR



**CITY COUNCIL**

**SUSAN AUSTIN**  
DISTRICT NO. 1

**ROBERT A. CUSHING Jr.**  
DISTRICT NO. 2

**JOSE ALEXANDRO LOZANO**  
DISTRICT NO. 3

**JOHN COOK**  
DISTRICT NO. 4

**DANIEL S. POWER**  
DISTRICT NO. 5

**PAUL J. ESCOBAR**  
DISTRICT NO. 6

**VIVIAN ROJAS**  
DISTRICT NO. 7

**ANTHONY COBOS**  
DISTRICT NO. 8

**BUILDING PERMITS AND INSPECTIONS  
CODE COMPLIANCE  
March 16, 2004**

Carlos Escobedo  
10540 Kendall St.  
El Paso, Texas 79924-1908

Re: 150 N. Borwn St.  
Lots: S 75 Ft. of 1 to 3 &  
S 75 Ft. of W 15 Ft. of 4  
Blk: 32, Franklin Heights  
Zoned: C-4  
00-04-0303  
Certified Mail Receipt #  
7003 2260 0002 9957 5654

To All Owners, Lienholders, and Mortgagees:

An inspection at the above referenced address has revealed that the structure is in violation of the El Paso Municipal Code, Chapter 18.52.030 - Unsafe Structures - Owner Not To Allow Condition To Continue, which states:

It is unlawful for the owner of any building or structure, or part thereof, which has become unsafe and dangerous so as to endanger persons or property, or so as to be a fire hazard by reason of defective construction, overloaded floors, lack of guards against fire, defective condition of the foundations, walls, or parts thereof, or deterioration caused by fire or otherwise, or for any reason, to allow or permit same to remain upon any real estate within the City.

The El Paso Municipal Code Chapter 18.52.040 - unsafe structures - Remedial action by owner or City defines unsafe structure as a structure or part thereof that is:

- a. Dilapidated, substandard, or unfit for human habitation and a hazard to the public health, safety, and welfare; or
- b. Regardless of its structural condition, unoccupied by its owners, lessees or other invitees and is unsecured from unauthorized entry to the extent that it could be entered or used by vagrants or other uninvited persons as a place of harborage or could be entered or used by children; or

150 N. Brown Street

- c. Boarded up, fenced, or otherwise secured in any manner in if:
  - i. The building constitutes a danger to the public even though secured entry, or
  - ii. The means used to secure the building are inadequate to prevent unauthorized entry or use of the building in the manner described by subsection.

The structure located at 150 N. Brown Street has the following violations:

- a. The foundation has not been maintained in a safe manner.
- b. The floors have not been maintained in a safe manner.
- c. The walls have not been maintained in a safe manner free of holes and cracks.
- d. The roof structure has not been maintained free of defects that may cause leaks.
- e. The means of egress is/are inadequate and do not meet minimum code requirements.
- f. The plumbing system is inadequate and does not meet minimum code requirements.
- g. The electrical system is inadequate and does not meet minimum code requirements.
- h. The HVAC system is inadequate and does not meet minimum code requirements.
- i. The structure is open and accessible to unauthorized entry.
- j. The premises are full of weeds, trash, and debris.
- k. This case is being submitted to the City Attorney's office for unsafe structures proceedings. The City Council will decide if the structure is unsafe and if it should be vacated and secured, or demolished as per Sec. 18.52.040 of the El Paso Municipal Code.

150 N. Brown Street

Many of these corrections will require a permit. Permits for commercial or rental property must be taken out by a bonded and insured contractor who is registered with the City of El Paso.

According to the real property records of El Paso County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to the Housing Compliance Office of the Building Permits and Inspections, 5<sup>th</sup> floor, City Hall, no later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

Should you have any questions regarding this matter, please contact me at 541-4800.

**FOR THE DIRECTOR FOR BUILDING PERMITS AND INSPECTIONS:**

Bill Stern  
Building Inspector

BS/rl



## SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

BS

Carlos Escobedo  
10540 Kendall St.  
El Paso, Texas 79924-1908  
Re: 150 N. Brown St.

Lk #3

2. Article Number

(Transfer from service label)

7003 2260 0002 9957 5654

PS Form 3811, August 2001

Domestic Return Receipt

102595-02-M-1540

## COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent☐ Addressee

B. Received by (Printed Name)

Escobedo

C. Date of Delivery

17 MAR

D. Is delivery address different from item 1? ☐ YesIf YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail☐ Express Mail☐ Registered☐ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes



# CITY OF EL PASO INVOICE

**Please Remit To:**

CITY OF EL PASO TEXAS  
COMPTROLLER - 7TH FLOOR  
2 CIVIC CENTER PLAZA  
EL PASO TX 79901  
United States

Invoice No: LGL0000043  
Invoice Date: 07/14/2003  
Customer Number: F60799903200100  
Payment Terms: AR NET 30  
Due Date: 08/13/2003

AMOUNT DUE: 1,587.14 USD

**Customer**

CARLOS ESCOBEDO  
150 BROWN  
EL PASO TX 79901  
United States

Amount Remitted

For billing questions, please call ACCT REC (915) 541-4403

INVOICE: LGL0000043

CUSTOMER: F60799903200100

From	To	Description	Quantity	Unit Amt	Net Amount
		CONDEMNATION DIRECTIVES	1	1,587.14	1,587.14
		148-150 N. BROWN - S 75 FT. OF LOTS 1 TO 3 & 75 FT OF W 15 FT OF 4, BLOCK 32, FRANKLIN HEIGHTS			

SUBTOTAL:

1,587.14

TOTAL AMOUNT DUE :

1,587.14

F60799903200100

L6L0000043

**BUILDING PERMITS AND INSPECTIONS CONDEMNATION DIRECTIVE****TO:** Deputy Director of Streets

Final Secure and Clean

Please proceed with the order of City Council described below in accordance with the Resolution dated February 10<sup>th</sup>, 2002 and December 17<sup>th</sup>, 2002**ADDRESS:** 148-150 N. Brown Street**LEGAL DESCRIPTION:** Lots S 75 Ft. of 1 to 3 & 75 Ft. of W 15 Ft. of 4, Block 32, Franklin Heights**TYPE CONSTRUCTION:** V Brick and Wood Frame

DEPARTMENT	CLEARANCE	INFORMATION	SIGNATURE
CITY ATTORNEY	DEMOLITION DATE	Secure and clean on or after March 16, 2002	Cindy Crosby
COMMUNITY DEVELOPMENT	RELOCATION COSTS	N/A	
BUILDING SERVICES DEPT.	UTILITIES NOTIFIED	December 20, 2002	BuSt
	OWNERS NOT COMPLYING	December 17, 2002 not secure and clean	BuSt
DIRECTOR FOR BUILDING PERMITS AND INSPECTIONS	DIRECTIVE ISSUED	Secure and clean on or after March 16, 2002	T. William DIRECTOR 12-23-02
PENALTY HEARING	DATE: 12/17/02	Open and abandoned for 194 days. Penalty: \$50 a day total \$9,700	BuSt
PUBLIC WORKS	ASBEST SURV.	N/A	
	COST	N/A	
	ABATEMENT COST	N/A	
DEPUTY DIRECTOR OF STREETS	START DATE	4/28/03	Deputy 6/30/03
	COMPLETION DATE	4/28/03	Deputy 6/30/03
	DEMO COSTS	\$560.04	Deputy 6/30/03
CITY ATTORNEY	TOTAL BILLING COST	\$1,587.14	Deputy 6/30/03
COMPTROLLER	BILLING DATE	7/14/03	Shang (L) Davis
CITY ATTORNEY	LIEN DATE	\$1,587.14	
	LIEN COST	08/05/03	Deputy 6/30/03

DEC 26 2002

06/19/03

CITY OF EL PASO STREET DEPARTMENT  
WORK ACTIVITY COSTS  
COST REPORT FOR DEMOLITION ON BROWN ST (3.2)/ACCT.#033486

<u>Date</u>	<u>Activity</u>	<u>Location</u>	<u>Labor Hours</u>	<u>Labor Cost</u>	<u>Equip Cost</u>	<u>Matl Cost</u>	<u>Total OH Cost</u>
04/28/03	132	3.03	28.50	412.01	61.75	0.00	560.04
GRAND TOTALS:			<u>28.50</u>	<u>412.01</u>	<u>61.75</u>	<u>0.00</u>	<u>560.04</u>

## ORDER

WHEREAS, after providing due notice to the Owners of the hereinafter described property, the City Council of the City of El Paso conducted a Public Hearing on February 19<sup>th</sup>, 2002, regarding the property located at 148-150 N. Brown Street, more particularly described as:

Lots: S 75 Ft. of 1 to 3 & 75 Ft. of W 15 Ft. of 4, Block 32, Franklin Heights

and found that the Building located on said property is substandard; unfit for habitation or use, and a hazard to public health, safety and welfare; and that the Building is not in substantial compliance with the Municipal Ordinances, and that the Building can be repaired; and

WHEREAS, having found that the Building is not in substantial compliance with the Municipal Ordinances, the City Council ORDERED the Owners of said property to secure the Building and secure the premises with a 6' chain link fence and remove all weeds, trash and debris, within 30 days of adoption of the Resolution dated February 10<sup>th</sup>, 2002, that is on or before March 16<sup>th</sup>, 2002.

WHEREAS, the City Council ORDERED the Owners of said property to appear before City Council on December 17<sup>th</sup>, 2002, for a Public Hearing to determine whether the Council Order has been complied with and to determine penalties if the Council Order has not been complied with:

WHEREAS, no one appeared.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That the City Council, having heard the evidence, makes the following findings:
  - a. That the Owner of said property, Carlos Escobedo, was notified of the requirements of Section 18.52.040 and of his need to comply with these requirements as they relate to his property; and
  - b. That after notification, the Owner committed an act in violation of Section 18.52.040 or failed to take an action necessary for compliance with 18.52.040, specifically; the Owner failed to secure the Building, fence the property, and clean the premises of all weeds, trash and debris within 30 days after February 19<sup>th</sup>, 2002 that is, on or before March 19<sup>th</sup>, 2002; and
  - c. That the Owner has failed to comply with the Order each day from June 6<sup>th</sup>, 2002 through December 17<sup>th</sup>, 2002, a total of 194 days; and

- d. That the property which is subject to the Order is not the Owner's homestead; and
- e. That the City Council can assess a civil penalty against the Owner in an amount not to exceed \$1,000.00 a day for each violation, a total of \$194,000.

NOW, THEREFORE, BE IT ORDERED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

- 1. That the Owner is hereby assessed the following civil penalties: \$50 a day for each of the 194 days during which the City Council Order of February 19<sup>th</sup>, 2002 was not complied with; for a total of \$9,700.
- 2. That the City Clerk file a certified copy of this Order with the District Clerk of the County of El Paso; and
- 3. That the Owner is hereby placed on notice that continuing failure to comply with the City Council's Order to secure the Building and clean the premises of all weeds, trash, and debris may result in additional and more severe penalties.

ORDERED THIS 17<sup>th</sup> DAY OF December, 2002.

THE CITY OF EL PASO

\_\_\_\_\_  
Raymond C. Caballero, Mayor

ATTEST:

\_\_\_\_\_  
Richarda Duffy Momsen  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Teresa García,  
Assistant City Attorney

APPROVED AS TO CONTENT:

\_\_\_\_\_  
Terry Williams, Director  
Building Permits and Inspections

## ORDER

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THE CITY OF EL PASO

\_\_\_\_\_  
Raymond C. Caballero, Mayor

ATTEST:

\_\_\_\_\_  
Richarda Duffy Momsen  
City Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

\_\_\_\_\_  
Teresa Garcia,  
Assistant City Attorney

\_\_\_\_\_  
Terry Williams, Director  
Building Permits and Inspections